



2143

ATTORNEY DOCKET NO.: FREI.P-049

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Giotta  
Serial No.: 09/750,009  
Filing date: December 27, 2000  
Confirmation No.: 6616  
Title: Scaleable Message System

RECEIVED  
AUG 20 REC'D  
TC 2100

RECEIVED

AUG 19 2003

PETITION TO MAKE SPECIAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Technology Center 2100

Sir:

Pursuant to 37 CFR section 1.102(c) and MPEP section 708.02 (III), applicant hereby petitions to make this application special.

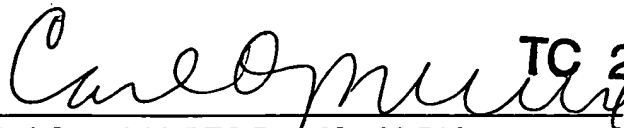
Attached please find evidence showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. Attached as Exhibit A is a copy of a Doctors Certificate in German. Attached as Exhibit B is a copy of the English Translation of the Doctor's Certificate. Attached as Exhibit C is an e-mail message dated August 14, 2003.

Respectfully submitted,

OPPEDAHL &amp; LARSON LLP

RECEIVED

AUG 22 REC'D

  
TC 2100

Carl Oppedahl, PTO Reg. No. 32,746

P.O. Box 5068


Dillon, CO 80435-5068

Tel: (970) 468-6600 Fax: (970) 468-0104

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that the following: Petition to Make Special, Doctor's Certificate in German, English translation of Doctor's Certificate, and my Declaration under penalty of perjury are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 15, 2003.

Name: Lori South

  
Signature

8-15-03  
Date of Signature



**Medical Card****RECEIVED**

AUG 19 2003

Technology Center 2100

Employer		Incident No.	
Company Name:	Softwired AG	Policy No.:	47.108631
Street:	Technoparkstrasse 1	Insurance-Group:	
Zip/City:	8005 Zuerich	Telephone No.:	01-445 23 70

Insured Person		Address	
Last Name, First Name:	Giotta Paul	Profession:	Software Engineer
Date of Birth:	26.06.1964	Marital Status:	Married
Social Security No.	397.64.288.216	Nationality:	CH/USA
Street:	Bruehlgartenstr. 31	Zip/City:	8400 Winterthur

Please forward to the doctor: Needs to be filled in on every consultation

Consultation	Work Incapacity	
Date	%	since
16.04.03	100	31.01.03
17.05.03	100	31.01.03
24.06.03	100	31.01.03
14.07.03	100	31.01.03

Due to a **medical condition** / ~~accident~~ the insured person has been (delete as applicable):

incapable of working

100 % from 31.01.03 until incl. until further notice

\_\_\_\_ % from \_\_\_\_\_ until incl. \_\_\_\_

under medical treatment from \_\_\_\_\_ until incl. \_\_\_\_

in hospital from \_\_\_\_\_ until incl. \_\_\_\_

Date **16.04.03**

Stamp and Doctor's Signature **Dr. med. Th. Eugster**

**FMH Innere Medizin (Internal Medicine)**

**Lindstrasse 40  
8400 Winterthur  
Tel. 052 202 61 42**

To be filled in by the doctor either on the first consultation or for the purpose of interim billing every 30 days.

Exhibit B

To: lsouth@patents.com  
CC: Henry Wild <henry.wild@softwired-inc.com>  
Subject: Re: Our File No. FREI.P-049 / Your Ref: P1783 US / Petition



Dear Ms. South

My name is Brigitte, I am the assistant to Dr. Henry Wild, CEO at Softwired. He asked me to send you an English translation of the Medical Certificate for Mr. Paul Giotta, which you will find attached. Neither did I translate the two paragraphs ("*Hinweis fuer den Erkrankten*") in the middle of the report, as they give only the instructions on how to fill in the form, nor the last section right at the bottom ("*Bitte an Arbeitgeber vor...*"), as this is only a verification signature from the employer.

Further, please note that **Allianz Suisse** is Softwired's insurance company, this certificate confirms a medical condition for which they are paying a monthly amount to Mr. Paul Giotta. Under Swiss Privacy Laws, it is illegal to put the exact medical condition of the person. We can confirm that Mr. Paul Giotta is under chemotherapy treatment and has been on medical leave currently non-permanent since the end of January 2003.

Coincidentally we have just received the updated Medical Certificate from the doctor today, confirming Mr. Giotta's grave health impairment. I will send this ongoing report to you by fax.

Please do not hesitate to contact either myself or Henry on the Swiss number listed below, if you require further assistance.

Kind regards,  
Brigitte

RECEIVED

AUG 19 2003

Technology Center 2100

Henry WILD wrote:

Dear Lori

I will have a translation by my assistant and perhaps additional update by tomorrow close of business CET on 14/08/2003/

Best regards

Henry Wild

----- Original Message -----

From: "Lori South" <lsouth@patents.com>

To: <henry.wild@freesurf.ch>

Cc: <carl@patents.com>

Sent: Wednesday, August 13, 2003 7:40 PM

Subject: Our File No. FREI.P-049 / Your Ref: P1783 US / Petition

> Dear Mr. Wild:

>

> Mr. Oppedahl asked me to write to let you know that we are working on the

> Petition to Make Special regarding the above-referenced file. We are in

> need of an English translation of the Medical Certificate for Mr.

> Giotta. Please let us know if you want us to order the translation or if

> you want to get the translation and forward it to us. We look forward to

> hearing from you.

>

> Sincerely,

> Lori South

>

>

--  
Brigitte Bader  
Administrative Assistant  
brigitte.bader@softwired-inc.com

Softwired AG, Stationsstrasse 11, 8906 Bonstetten, Switzerland  
Phone +41 43 466 0787 | Fax +41 43 466 0791 | <http://www.softwired-inc.com>

- \* Next stop UBIQUITY!
- \* Go Mobile: iBus//Mobile 3.1 (including MMS, OTA Provisioning)
- \* Hayabooza! Softwired's Wireless Java Platform for Interactive Portals
- \* More news: <http://www.softwired-inc.com/>



Medical Certificate Paul Giotto.doc



ATTORNEY DOCKET NO.: FREI.P-049

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Giotta  
Serial No.: 09/750,009  
Filing date: December 27, 2000  
Confirmation No.: 6616  
Title: Scaleable Message System

**RECEIVED**  
AUG 19 2003  
Technology Center 2100

**DECLARATION**

I, Lori South, under penalty of perjury, attest that attached as exhibits A, B, and C are true and correct copies of documents received from Brigitte Bader with Softwired AG via e-mail and facsimile on August 14, 2003.

Lori South  
Lori South

August 15, 2003  
Date